

fifth conductive layer being a material different from that of the second conductive layer, as recited in claim 2.

Rather than being a separate conductive layer, the material filling the windows 401 and 403 in Chittipeddi is the same material deposited along with the first metal layer 219 and thus, part of the first conductive layer. In fact, Chittipeddi fails to distinguish the layer and material at all. See, col. 3, lines 14-15 and col. 4, line 12. On the other hand, the claimed invention's fourth layer is a completely separate deposited layer that is deposited during a separate step, and uses material different from that of the first conductive layer.

As for the fifth conductive layer, identical reasoning applies. Namely, Chittipeddi, does not disclose a fifth conducting layer filling the second through hole in the second insulating layer, the fifth conductive layer being a material different than the second conductive layer, as recited in claim 2.

Again, the fill material is simply the second metal layer deposited at the same time and thus, part of the second conductive layer. On the other hand, in the claimed invention, the fifth conductive layer is deposited during a separate processing step with a different material than that of the second conductive layer.

Thus, Chittipeddi does not teach or disclose all of the features recited in claim 2. For at least this reason, it is respectfully submitted that claim 2 is distinguishable over the applied art. Claims 3 and 6, which depend from claim 2, are likewise distinguishable over the applied art for at least the reasoning discussed, as well as for the addition features they recite.

Withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

B. §103 Rejection

Furthermore, Item 6 of the Office Action rejects claims 2, 3, 6 and 12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,866,441 to Pace (hereinafter "Pace") in view of U.S. Patent No. 5,736,791 to Fujiki et al. (hereinafter "Fujiki"). The rejection is respectfully traversed.

Again, contrary to the Office Action, Pace does not disclose a specific claimed feature of the present invention. Namely, Pace also fails to disclose a fourth conductive layer filling the first through hole in the first insulating layer and being a different material from that of the first conductive layer, as well as a fifth conducting layer filling the second through hole in the second insulating layer and being a different material from that of the second conductive layer, as recited in claim 2.

In Pace, the through holes are again filled by the same material, and during the same process, that created each of the first and second conducting layers. In fact, Pace specifically mentions that the holes are filled with the same material as the conductive layer. See, col. 9, line 9 and col. 9, lines 40-45. In addition, Fujiki also fails to disclose a fourth and fifth conducting layers filling their respective through holes. Fujiki only discloses a single layer with through holes.

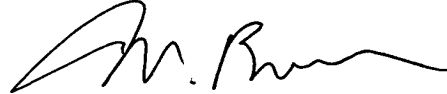
Thus, because neither prior art reference discloses all the featured claims of the claimed invention, even if taken together, it is respectfully submitted that claim 2 is distinguishable over the applied art. Claims 3, 6 and 12, which depend from claim 2, are likewise distinguishable over the applied art for at least the reasons discussed, as well as for the additional features they recite. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

II. CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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Attachments:

Appendix
Petition for Extension of Time

Date: September 4, 2001

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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APPENDIX

The following is a marked-up version of the amended claim 2:

2. (Twice Amended) A semiconductor device having a multiple wiring layer structure, comprising:
- a first conductive layer connected to a conductive member for external connection;
 - a second conductive layer disposed below said first conductive layer, the second conductive layer having a plurality of openings;
 - a third conductive layer disposed below said second conductive layer;
 - a first insulating interlayer disposed between said first conductive layer and said second conductive layer;
 - a first through hole provided in said first insulating interlayer;
 - a fourth conductive layer filling said first through hole, the fourth conductive layer being a material different from that of the first conductive layer;
 - a second insulating interlayer disposed between said second conductive layer and said third conductive layer;
 - a second through hole provided in said second insulating interlayer; and
 - a fifth conductive layer filling said second through hole the fifth conductive layer being a material different from that of the second conductive layer, wherein said first insulating interlayer and said second insulating interlayer are connected to each other through said openings of said second conductive layer, and a contiguous section of said first insulating interlayer with said second insulating interlayer is, thereby, formed between said first conductive layer and said third conductive layer.